

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ashkenazi et al. Docket No: 39780-2630P1C3
Serial No: 09/978,299 Group Art Unit: 1646
Filed: October 15, 2001 Examiner: Turner, Sharon L.
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC
ACIDS ENCODING THE SAME**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

DECLARATION OF KEVIN BAKER, Ph.D.,


AUSTIN GURNEY, Ph.D., and TIMOTHY STEWART, Ph.D.,

UNDER 37 CFR 1.131

We, Kevin Baker, Ph.D., Austin Gurney, Ph.D., and Timothy Stewart, Ph.D., declare and say as follows:

1. We are the inventors of the above-identified application.
2. We have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by PCT Publication WO 99/61471 (Tang *et al.*, publication date December 2, 1999)
3. The polypeptide designated as PRO195 (SEQ ID NO:330) claimed in the above-identified application in the United States was sequenced and cloned prior to December 2, 1999.
4. U.S. Provisional Application No. 60/081,817, filed on April 15, 1998 discloses sequences designated as SEQ ID NO:1 and SEQ ID NO:3, which are identical to SEQ ID NO:329 and SEQ ID NO:330, respectively, of the above-identified application.
5. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001

of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.



Kevin Baker, Ph.D.

1/18/05

Date

Austin Gurney, Ph.D.

Date

Timothy Stewart, Ph.D.

Date

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1/5/05 9:09 AM (39780.2630)